

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL DOCKET NO.: 5:13CV73-RLV**

VICTORIA ESTHER KRYACHOV,)
Individually, and on behalf of Others)
Similarly Situated,)
Plaintiff,)

vs.)

ORDER

MOOSER MOTO, LLC,)
B.J. MOOSE, Owner,)
APRIL MILLS, Business Manager, and)
JIM STRICKLEN, Business Manager,)
Defendants.)

THIS MATTER comes before the Court on Defendants' Motion To Dismiss and Memorandum In Support, filed July 25, 2013. (Doc. 10). To date, Plaintiff has not responded.

After having carefully reviewed the pleadings, it appears that Defendants may be entitled to dismissal of all or part of this action as a matter of law. *See Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975).

As a result, the instant Order serves as **NOTICE** to Plaintiff Kryachov, who is proceeding *pro se*, of the following:

PLAINTIFF, you are entitled to an opportunity to respond to Defendants' motion. You may not allege new facts surrounding the events in question as part of your response. You should base your response and/or argument(s) solely on the allegations contained in your original complaint and/or Defendants' Motion to Dismiss.

You are further advised that you have thirty (30) days from the filing of this Order in which to file your response and any documents, affidavits, or unsworn declarations you may wish to submit in opposition to Defendants' Motion.

IT IS, THEREFORE, ORDERED that Plaintiff has thirty (30) days, or until Monday, September 23, 2013, to **RESPOND** to Defendants' Motion to Dismiss. **FAILURE TO RESPOND MAY RESULT IN SUMMARY DISMISSAL OF PLAINTIFF'S CLAIMS.**

Signed: August 23, 2013

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

